

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**MALCOLM C MACK,**

**Plaintiff,**

**vs.**

**BOWIE COUNTY DETENTION  
CENTER, ET AL.,**

**Defendants.**

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**CASE NO. 5:23-CV-130**

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**ORDER**

Plaintiff Malcolm Mack, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged deprivations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

After review of the pleadings, the Magistrate Judge issued a report on August 7, 2024, recommending dismissal of the lawsuit for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §1915. Docket No. 7. This report was returned as undeliverable. Docket No. 8. The on-line records of Bowie County show that Plaintiff was released from the Bowie County Correctional Center on November 9, 2023. To date, Plaintiff has not advised the Court of his current mailing address.

Plaintiff's complaint contains a declaration stating, "I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit." Docket No. 1 at 5; *see also* E.D. TEX. LOC. R. CV-11(d) (stating that a *pro se* litigant must provide the Court with a physical address

and is responsible for keeping the Clerk of Court advised in writing of his current physical address).

Because no objections to the Magistrate Judge's Report have been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the report of the Magistrate Judge. Upon such review, the Court has determined that the report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

**ORDERED** that the report of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted. The dismissal of this lawsuit has no effect upon Plaintiff's right to challenge the legality of his conviction through any lawful means, including but not limited to state or federal habeas corpus proceedings or seeking executive clemency. It is further

**ORDERED** that any pending motions in this civil action are **DENIED**.

**So ORDERED and SIGNED this 30th day of September, 2024.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE